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09/683,972	03/07/2002	Klaus Kursawe	CH920000068US1	9293
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CANTOR COLBURN LLP-IBM YORKTOWN 55 GRIFFIN ROAD SOUTH BLOOMFIELD, CT 06002				APPLE, KIRSTEN SACHWITZ
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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 09,683,972

Filing Date: 3/7/02

Appellant(s): Klaus Kursawe

MAILED

JUN 28 2007

GROUP 3600

Klaus Kursawe

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 1/17/2007 appealing from the Office action mailed 3/9/2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings that will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

The following is a listing of the evidence (e.g., patents, publications, Official Notice, and admitted prior art) relied upon in the rejection of claims under appeal.

Joao et al., US Patent #5878337

Camacho et al, U.S. Patent Application Publication #2003020684

Stoutenberg et al, U.S. Patent #6827260

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims. This is a verbatim copy of the final rejection mailed on 14 July 2004.

DETAILED ACTION

Status of Claims

Claims 9,14 are original. Claims 1,6,11-13 are currently amended. Claims 2,4-5,7,10,15-20 are previously presented. Claims 3,8 are cancelled. Claims 1-2,4-7,9-20 are therefore currently pending.

Acknowledgements

The examiner for this application has changed. Please indicate Examiner Kirsten Apple as the examiner of record in all future correspondences.

Claim Rejections - 35 USC § 103

Claim 1-2, 4-7 & 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Joao, et al, U.S. Patent #5878337, in further view of Camacho et al, U.S. Patent Application Publication #2003020684, and further in view of Stoutenberg et al, U.S. Patent #6827260.

With regard to Claims 1,11,12,13 Camacho teaches the first limitation of the method, medium and computer program product and system comprising:
comparing an actual value (a) with a preset parameter at an account server, the preset parameter defined by the account holder; (Page 4, Para. 42)

Joao teaches the other two limitations of the method and medium comprising:
deriving the information (Z) in response to a transaction (n) that influences the actual value (a), the transaction (n) occurring between an account user and a purchasing entity; and (Col. 5, lines 40-51)
providing the information (Z) to the account holder through the device, the device associated with the account holder. (Col. 6, lines 4-32).

It would have been obvious to one of ordinary skill in the art at the time applicant's invention was made to combine the teachings of Joao, relating to transmitting transactional status and information, to an account holder for authentication, with the teachings of Camacho, relating to a method for comparing current transactional information with previously submitted rules at a central server. The motivation for such a combination is to take the benefit of Joao in getting prior authorization, but centralize the decision-making regarding parameter matching. This way decision about whether to authenticate a potential purchaser in a transaction can be made very quickly by the stronger computers in the central location, as opposed to a remote device. This system would be able to handle a large number of transaction requests than otherwise.

Joao does not disclose the method wherein:
the information (Z) includes an account balance.

However, in an analogous application, Stoutenberg teaches this limitation at (Col. 33, lines 43-55), which discusses transmitting an account balance as part of a POS transaction. Modifying Joao, so as to additionally transmit account balance to a cardholder, as described in Stoutenberg, would be obvious to one of ordinary skill in the art. The motivation for such a combination is within the knowledge generally available to one of ordinary skill in the art, and is simply to quantify data sufficiently in order to make quick decision regarding possible fraudulent activity. That is to say, in addition to providing indicators regarding a limit or geographic region, account balance can be quantifiable so as to create an immediate reaction in the cardholder. Further, additional motivation is found in the fact that the cardholder may want simple notice about an account balance in order to keep better control of spending by authorized users.

With regard to Claim 2, Joao teaches the method comprising:

transmitting the information (Z) via the network and receiving the information (Z) by the account holder via the device. (Col. 7, lines 14-29)

With regard to Claims 4,16,18 Joao teaches the method, medium and system

wherein:

the preset parameter comprises a limit. (Col. 7, lines 49-64)

With regard to Claims 5,17,20 Joao teaches the method, medium and system

wherein:

the preset parameter comprises a geographic region. (Col. 7, lines 49-64)

With regard to Claim 6, Joao teaches the method further comprising:

the step of setting multiple different parameters for contemporaneous use.
(Col. 7, lines 49-64)

With regard to Claim 7, Joao does not expressly teach the method wherein:

the step of receiving the information (Z) comprises rendering the information (Z),
the rendering including confirming a personal identification number assigned to
the account holder.

However, Camacho teaches this limitation at (Page 8, Para. 76). A pass-phrase or personal identification number is an obvious modification to Joao. The motivation for such a modification is add even further security to the system in the event that the device associated with the account holder is lost or stolen.

With regard to Claim 9, Joao does not expressly teach the method wherein:

the step of receiving the information (Z) comprises requesting a password.

However, Camacho teaches this limitation at (Page 8, Para. 76). A pass-phrase or personal identification number is an obvious modification to Joao. The motivation for

such a modification is add even further security to the system in the event that the device associated with the account holder is lost or stolen.

With regard to Claim 10, Joao teaches the method wherein:

the step of transmitting the information (Z) via the network and receiving the information (Z) by account holder via the device comprises a wireless communication technique.

(Col. 4, line 62 – Col. 5, line 2)

With regard to Claim 14, Joao teaches the system wherein:

the device is a mobile device. (Col. 4, line 62 – Col. 5, line 2)

With regard to Claims 15,19 Joao teaches the method and system wherein

the limit is a spending limit. (Col. 7, lines 49-64)

(10) Response to Argument

Argument for Independent Claim 1, 11, 12 & 13

Appellant argues that "that the Examiner has erred in the rejection of Claims 1, 11, 12 & 13 because the combination of Joao et al and Camacho et al would not result in the first three features recited in Appellant's claims 1, 11, 12 & 13."

With respect to the **first feature**:

The examiner has read all of the arguments and draws the attention back to the Camacho, page 4, paragraph 42. The appellant is correct that the examiner's interpretation that "rules" of Camacho reads on applicants "parameters." The argument from the appellant that the "the only actual value (a) and parameters disclosed here in Camacho et al. relate directly to authentication of the requesting party." (Appeal Brief, March 7, 2002 page 7 line 16-18) not only is incorrect it is irrelevant.

First Camacho describes both "business-filtering rules" page 4, paragraph 42, line 5 which go through item 208 "Filter Manager" and "company level rules" page 4, paragraph 42, line 16 which go through the item 212 (Figure 2) "Transaction Rules Manager." If one looks at figure 2, item 216 "authentication manager" it is clear that this is a separate process than Item 208 or 212.

Therefore the examiner is interpreting the "rules" of Camacho to be more than

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just "authentication." In addition, no where in the applicants first feature does it limited to "parameters to be more than authentication."

In conclusions the examiner remains firm that Camacho clearly reads on the first feature of applicants claim 1, 11 12 & 13.

With respect to the **second feature**:

The examiner has read all of the arguments and draws the attention back to the Joan, Col. 5, lines 40-51. In particular the examiner would like to highlight Joan, Column 5, line 48-51 "Further, the central processing computer may perform a **test in order to determine if the maximum credit**, charge or debit account limit has been **exceeded** and/or if the card has been depleted of it's current value."

It is a fact that "test in order to determine" (Joan, Column 5, line 48) would read upon the applicants "deriving the information (Z)" in Claim 1, 11, 12 & 13.

It is also a fact that ""process the information... pertinent to the transaction" (Joan, Column 5, line 45) makes it clear that they are using transaction information and would read upon "in response to a transaction (n)" and "occurring between an account user and a purchasing entity"

Finally "if the maximum credit" (Joan, column 5, line 48) would read upon "that influences the actually value (a)"

With respect to the **third feature**:

The examiner has read all of the arguments and draws the attention back to the Joan, Col. 6, lines 4-32. Specifically, lines 10-12 of Joan directly read on the third feature of the appellant.

Argument for Dependent Claim 4, 6 & 18

Appellant argues that that the applicant claims is not in the prior art and that 'present parameter' of the prior art Camacho relates to authentication. First the examiner would like to deny this fact. While Camacho uses the example of authentication he does not limit it only to this feature. Even if he did it would be irrelevant because Joao column 7, line 49-64 clearly reads of the appellants claim specifically line 49-51 "The communication device may also be programmable so as to limit..."

Argument for Dependent Claim 4, 6 & 18

Appellant argues that that the applicant claims is not in the prior art and that 'present parameter' of the prior art Camacho relates to authentication. First the examiner would like to deny this fact. While Camacho uses the example of authentication he does not limit it only to this feature. Even if he did it would be irrelevant because Joao column 7, line 49-64 clearly reads of the appellants claim specifically line 49-51 "The communication device may also be programmable so as to limit..."

Argument for Dependent Claim 5, 17 & 20

Appellant once again argues that that the applicant claims is not in the prior art and that 'present parameter' of the prior art Camacho relates to authentication. First the examiner would like to once again deny this fact. While Camacho uses the example of authentication he does not limit it only to this feature. Even if he did it would be irrelevant because Joao column 7, line 49-64 clearly reads of the appellants claim specifically line 56-57 "geographical area or locations to which authorized use may be limited..."

Argument for Dependent Claim 6

Appellant once again argues that that the applicant claims is not in the prior art and that 'present parameter' of the prior art Camacho relates to authentication. First the examiner would like to once again deny this fact. While Camacho uses the example of authentication he does not limit it only to this feature. Even if he did it would be irrelevant because Joao column 7, line 49-64 clearly reads of the appellants claim specifically line 59 "any other limitation..."

Argument for Dependent Claim 15 & 19

Appellant once again argues that that the applicant claims is not in the prior art and that 'present parameter' of the prior art Camacho relates to authentication. First the examiner would like to once again deny this fact. While Camacho uses the example of authentication he does not limit it only to this feature. Even if he did it would be irrelevant because Joao column 7, line 49-64 clearly reads of the appellants claim specifically line 50 "amounts .. of transactions"

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(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

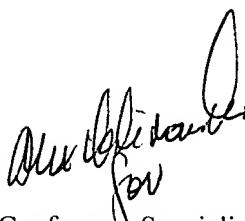
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



Kirsten Apple

Conferees:


Alex Goldstein
for

Vincent Millin, Appeals Conference Specialist

James Kramer, SPE

